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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	CASE NO. CR 21-70651-MAG; CR 21-70146 MAG
)	
Plaintiff,)	STIPULATION AND ORDER CONTINUING
)	PRELIMINARY HEARING UNTIL OCTOBER 18,
v.)	2021
)	
KELMAN DE LA CRUZ PEDROZA)	
)	
Defendant.)	
)	
)	

The parties, through their counsel of record, stipulate as follows:

On May 3, 2021, the Court held a status conference for defendant Kelman De La Cruz Pedrodza, who stands charged in two separate Complaints with crimes related to the distribution of, and conspiracy to distribute, narcotics. A preliminary hearing is set for September 27, 2021 at 1:00 PM.

The government has produced a significant amount of discovery in this case, and plans to produce more discovery in the near future. Therefore, the parties wish to continue the preliminary hearing until October 19, 2021. Therefore, the parties hereby stipulate and agree:

STIPULATION AND ORDER

- 1 1. The time between September 27, 2021 and October 19, 2021, should be excluded under the
2 Speedy Trial Act because failure to grant the requested continuance would deny defense
3 counsel the reasonable time necessary for effective preparation, taking into account the
4 exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The ends of justice served by
5 granting the requested continuance outweigh the best interests of the public and the
6 defendant in a speedy trial and in the prompt disposition of criminal cases. *See id.* §
7 3161(h)(7)(A).
- 8 2. Taking into account the public interest in the prompt disposition of criminal cases, there is
9 good cause to extend the time limits under Federal Rule of Criminal Procedure 5.1(c).
10 Accordingly, the time limits for conducting a preliminary hearing are tolled from September
11 27, 2021 until October 19, 2021.

12 IT IS SO STIPULATED.

13
14 Dated: September 27, 2021

/s/
Karen McConville
Attorney for Defendant Kelman De La Cruz Pedroza

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16 Dated: September 27, 2021

/s/
Ross Weingarten
Assistant United States Attorney

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STIPULATION AND ORDER

ORDER

Based upon the representation of counsel and for good cause shown, the Court continues the preliminary hearing until October 19, 2021 and finds that failing to exclude the time between September 27, 2021 and October 19, 2021, would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time between September 27, 2021 and October 19, 2021 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. The Court also finds good cause for extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1 and for extending the 30-day time period for an indictment under the Speedy Trial Act (based on the exclusions set forth above). *See* Fed. R. Crim. P. 5.1; 18 U.S.C. § 3161(b).

Therefore, IT IS HEREBY ORDERED that the time between September 27, 2021 and October 19, 2021 shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A) and (B)(iv) and Federal Rule of Criminal Procedure 5.1.

DATED: September 27, 2021

